

WORK GROUP CO-CHAIRS AND CAUCUS LEADERS MEETING
JULY 27, 1997
LONG BEACH, CALIFORNIA

INTRODUCTION

A meeting of Industrial Combustion Coordinating Committee (ICCR) Work Group (WG) and Coordinating Committee (CC) co-chairs and caucus leaders was held the evening of July 27, 1997. It was open to the public. A list of the co-chairs and caucus representatives is attached. The meeting discussion is summarized by topic below.

DECISION ON FACA CHARTER

Bruce Jordan, Director of the EPA Emission Standards Division discussed the EPA's decision not to renew the Federal Advisory Committee Act (FACA) charter for the ICCR. Information on this decision was posted on the ICCR Technology Transfer Network (TTN) web site and sent to ICCR participants earlier in July. Mr. Jordan commented that the past 2 years have been a positive experience. Stakeholders have gotten to know each other and understand each other views. A large amount of data has been collected, and EPA has gotten valuable recommendations on testing and other areas from the Committee. EPA's decision not to renew the FACA charter was difficult. However, the broad scope of tasks given to the Committee at the outset was probably overly ambitious and, progress on the rules is about a year behind schedule. The EPA needs to take what the FACA process has provided and move forward to make maximum achievable control technology (MACT) decisions and draft a proposal regulation. EPA is committed to setting standards in time to avoid the "MACT hammer" provisions of section 112. (These provisions require States to make case-by-case MACT decisions if EPA misses the November 2000 Clean Air Act deadline for MACT standards by more than 18 months.)

A few of the WG co-chairs and an audience member expressed regret that the FACA process was ending. One stated that the FACA process was not the only reason the project is behind schedule and cited EPA slowness in developing a solid waste definition as an example. Mr. Jordan acknowledged that EPA has trouble coming to internal consensus and moving as rapidly as they would like on some issues. In response to a question on the findings of the facilitators' discussions with CC and WG members, Mr. Jordan replied that most participants suggested the FACA process continue. However, many also recognized that significant changes to the process would be needed to complete the regulations on schedule. EPA could not identify how to continue the process and still be sure of avoiding the MACT hammer.

A participant asked what we could learn from the process to make future similar projects more successful. One participant noted that he viewed the ICCR process as successful, but early--on, the group strived too hard to reach consensus. When the CC started forwarding items to EPA with majority and minority recommendations the process began to move faster. Another participant noted that he felt the process was a success, but understands the reasons it is ending. He stated that the task was overly ambitious from the beginning, but that EPA and stakeholders have come out as winners. The process collected useful data and developed contacts between

EPA and stakeholders experts. Some cost-cutting issues were addressed. However, the rule development has gotten to a point where each source category is unique and requires individual consideration. This type of process may not be able to take on so many source categories and issues at one time.

Several participants asked how stakeholders can have input to the regulations after the FACA process ends. Mr. Jordan responded that EPA has always talked with individual stakeholders during regulatory development. EPA will not be able to request or accept group recommendations without FACA, but EPA can consider suggestions from individual stakeholder organizations. Individual stakeholders can request conference calls or meetings with EPA if they would like to discuss an issue; or EPA can initiate contact with a stakeholder if EPA wants information or input on an issue. EPA could also hold public meetings open to all stakeholders. EPA plans to continue to use a Website and list-server to post draft work products for review and comment.

A WG co-chair asked if some WG members with common interests could continue to meet and invite EPA. Mr. Jordan replied that EPA would need to review FACA provisions carefully. EPA probably could not meet with such a group routinely or take group recommendations, because this would give the appearance that the FACA is continuing without a charter.

A caucus leader noted that some stakeholder groups cannot afford to travel to meetings with EPA. Mr. Jordan replied that EPA might travel to a location convenient to such a group, or could set up a conference call. EPA also circulates draft work products to all stakeholders for review.

Further discussion of the FACA decision and associated issues is on the agenda for the July 28 and 29 CC meeting. There will be an opportunity for CC member and public comments and questions at the meeting.

GOALS FOR SEPTEMBER MEETINGS

Fred Porter stated that EPA would like to get the full benefit of all work products being developed by the WGs. EPA is interested in both completed products on which WGs have reached closure as well as works-in-progress. There are some procedural and legal concerns as to whether EPA can use FACA products that are not officially given to EPA by a FACA committee. In order to ensure EPA can consider all of the WG products, EPA would like WGs to bring forward as much as possible to the September CC meeting, so the CC can consider the items and transmit them to EPA before the FACA ends. Items could be separated into categories. Those on which the WGs and CC can reach closure could be forwarded to EPA as “recommendations” using the normal procedures. For works-in-progress, the CC could decide to forward these to EPA “for consideration” without the weight of a committee recommendation. They would have similar weight to a comment sent to EPA by an individual.

Participants commented that a clear procedure should be laid out. A list of all closure items, work-in-progress, and data/information items developed by each WG should be provided

before the CC meeting. Items should be posted on the TTN in advance. CC members will want to know what they are forwarding to EPA for consideration and will want a chance to submit comments on such items.

The goals and procedures for the September meeting will be discussed in more detail at the July 28 CC meeting.

Mr. Porter asked if it makes sense to move the CC meetings to Wednesday and Thursday, September 16 and 17 and allow WGs the opportunity to meet on Tuesday, September 15 (instead of the usual process of WGs meeting after the CC meeting). Several participants agreed this change would be beneficial. Because WGs must give their recommendations to the CC and only the CC can give recommendations to EPA, the CC needs to meet last.

OTHER ISSUES

A participant said he had reviewed the testing recommendations compiled by the WG co-chairs and noticed there were no recommendations for Process Heaters. The Process Heaters WG co-chair confirmed that the WG has concluded that no more testing of process heater emissions is needed.

A participant asked whether environmental justice will be addressed in the ICCR or in the separate environmental justice FACA. Environmental justice is on the agenda for the CC meeting on July 28 and 29, so this question can be discussed at the CC meeting.

Attachment 1

List of WG and CC Co-Chairs and Caucus Leads

Work Group and Coordinating Committee Co-Chairs and Caucus Leads

Fred Porter, Coordinating Committee, EPA Co-Chair
Leslye Fraser, Coordinating Committee, EPA Co-Chair Alternate
Rich Anderson, Coordinating Committee, Stakeholder Co-Chair

Jim Eddinger, Boilers Work Group, EPA Co-Chair
Mark Kataoka, Boilers Work Group, Co-Chair Alternate
James Stumbar, Boilers Work Group, Stakeholder Co-Chair
Michael Hewett, Boilers Work Group, Stakeholder Co-Chair Alternate

Sims Roy, Combustion Turbines WG, EPA Co-Chair
Diane McConkey, Combustion Turbines WG, EPA Co-Chair Alternate
Ted Guth, Combustion Turbines WG, Stakeholder Co-Chair
Marvin Schorr, Combustion Turbines WG, Stakeholder Co-Chair Alternate

Tom Walton, Economic Analyses WG, EPA Co-Chair
Joe Mackell, Economic Analyses WG, Stakeholder Co-Chair
Glenn Sappie, Economic Analyses WG, Stakeholder Co-Chair Alternate

Amanda Agnew, Reciprocating IC Engines (RICE) WG, EPA Co-Chair
Michael Horowitz, RICE WG, EPA Co-Chair Alternate
Vick Newsom, RICE WG, Stakeholder Co-Chair
Sam Clowney, RICE WG, Stakeholder Co-Chair Alternate

Rick Crume, Incinerators WG, EPA Co-Chair
Jon Devine, Incinerators WG, EPA Co-Chair Alternate
Norm Morrow, Incinerators WG, Stakeholder Co-Chair
Jeff Shumaker, Incinerators WG, Stakeholder Co-Chair Alternate

Bill Maxwell, Process Heaters WG, EPA Co-Chair
Diane McConkey, Process Heaters WG, EPA Co-Chair Alternate
John Ogle, Process Heaters WG, Stakeholder Co-Chair
Lee Gilmer, Process Heaters WG, Stakeholder Co-Chair Alternate

Terry Harrison, Testing and Monitoring Protocol (TMP) WG, EPA Co-Chair
Dennis Knisley, TMP WG, Stakeholder Co-Chair
Thomas Bach, TMP WG, Stakeholder Co-Chair Alternate
Farhana Mohamed, TMP WG, Stakeholder Co-Chair Alternate

Alex Johnson, Environmental Caucus Representative
Dick Van Frank, Environmental Caucus Representative

Bill O'Sullivan, State and Local Caucus Representative
John Paul, State and Local Caucus Representative

Bob Morris, Small Entities Caucus Representative